NPSTC
National Public Safety Telecommunications Council

July 8, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150

Dear Ms. Dortch:

The National Public Safety Telecommunications Council (NPSTC) is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. Accordingly, NPSTC provides guidance on issues that can either negatively impact or benefit the operation of public safety communications. NPSTC supports the Ex Parte filing recently submitted by APCO International (APCO) in the above-captioned proceeding concerning the 4.9 GHz spectrum allocated to public safety services.[1] The APCO filing properly challenges some of the statements made in an Ex Parte filing submitted by Federated Wireless, Incorporated on May 18, 2016.[2]

[1] The Association of Public-Safety Communications Officials (APCO) International Ex Parte filing, WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150, June 1, 2016.
[2] Federated Wireless, Incorporated Ex Parte filing, WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150, May 18, 2016.

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In its Ex Parte filing, Federated Wireless proposes the use of Spectrum Access System (SAS) technology to support spectrum sharing in the 4.9 GHz band, under a tiered framework similar to that the Commission adopted for the Citizens Broadband Radio Service (CBRS). Federated Wireless, a commercial provider of SAS technology, claims that the current public safety frequency coordination process is inefficient. Instead, it proposes the use of SAS for which public safety and other users of the band would be required to pay subscription fees.

The tiered framework of prioritization proposed by Federated Wireless for the 4.9 GHz band would assign radio astronomy the highest tier and corresponding highest level of priority and protection. Federated Wireless proposes that public safety and critical infrastructure be second-tier users in the band, with corresponding priority and protection below that of radio astronomy. The third tier would be comprised of commercial or private operators under Federated Wireless' scheme.

Federated Wireless recognizes that the 4.9 GHz band contains a relatively small amount of spectrum (50 MHz) compared to the CBRS band which encompasses 150 MHz of spectrum. It proposes "overlapping channels" and claims doing so would "mitigate such concerns" about the relatively small bandwidth. Finally, Federated Wireless proposes the "broad use of 802.11y technology among 4.9 GHz users."

In response, APCO states that the Federated Wireless proposal ignores the importance of frequency coordination for public safety and notes that clear and interference-free communications is a fundamental requirement for public safety. In support, APCO cites the findings from its 4.9 GHz Task Force that some public safety users and manufacturers choose not to invest in the 4.9 GHz band because it is not coordinated.

While some regional areas are coordinated voluntarily at 4.9 GHz, the current rules for the band do not require frequency coordination, a problem that both APCO and NPSTC have recommended be corrected in this rulemaking proceeding. As noted in the NPSTC 4.9 GHz National Plan Recommendations,

a key concern many public safety agencies have expressed is that the current FCC licensing paradigm used in the 4.9 GHz band provides too little information to permit proper system frequency coordination. Both NPSTC and APCO International have proposed improved frequency coordination and data capture methods to help raise prospective public safety user confidence in the 4.9 GHz band.

Furthermore, as both NPSTC and APCO have noted previously, public safety use of the 4.9 GHz band spans a variety of types of operations from point to point, to permanent and temporary hot-spots. Not all use of the band is similar to Wi-Fi deployments in the CBRS that Federated Wireless uses as a model for its recommendations. The APCO Task Force Report also included updated summary information for both permanent fixed and geographic public safety licenses in the 4.9 GHz band. In addition, the FCC record in this proceeding includes information from various jurisdictions and regions delineating their heavy use of the 4.9 GHz spectrum. Therefore, it is not at all clear how SAS would support the needs of public safety.

In summary, the primary result of Federated Wireless' proposal appears to be that public safety would suffer a downgraded second tier status, be required to pay ongoing SAS subscription fees to SAS providers and be saddled with potential contention and interference from consumer and unlicensed WiFi users. Instead of building additional confidence in the band as needed, the Federated Wireless proposal moves in the opposite direction. In contrast, APCO's response to Federated Wireless properly emphasizes the need for frequency coordination at 4.9 GHz. NPSTC's 4.9 GHz National Plan Recommendations submitted previously encompass frequency coordination to help minimize interference, bandwidth limits to increase spectral efficiency, provisions for new airborne and robotic applications to enhance incident response and opportunities for spectrum access by critical infrastructure industries.

Respectfully submitted,

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